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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,981	10/26/2000	Kazuo Ito	001444	2949

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EXAMINER	
YE, LIN	

ART UNIT	PAPER NUMBER
2615	

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/695,981	ITO ET AL.	
	Examiner	Art Unit	
	Lin Ye	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 June 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 October 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 6/25/04 have been fully considered but they are not persuasive as to claims 1-11.

For claims 1-11, the applicant argues that computer system 501 of Narayen can not be considered to be a digital camera, and there is nothing in the Narayen teaches or suggests that the digital camera or digital acquisition device is part of the digital processing system. The examiner disagrees. The applicant's specification discloses in page 1, lines 10-11, "a digital camera, the subject image taken by an image device, such as a CCD imager, is subjected to predetermined signal processing"; and as shown in Figure 1, the digital camera has image sensor (10) for acquiring the image signal and signal processing sections (signal process 16, CPU 32 and signal decompress 30, etc.) for the image signal processing. This defines the digital camera is part of the digital processing system. It also should be noted that the applicant's claims **do not state** that the camera is a **hand-held** use by a user as a **stand-alone** digital camera and operative. The Narayen reference clearly discloses in Figure 3, the computer system (501) **includes** a digital image input section (digital image input device 521, see Col. 5, lines 56-58) for input image into the system and processor section (505, see Col. 6, lines 24-27) for digital image processing. The Narayen reference discloses the term " digital camera" is actually the term "digital acquisition device" only for acquiring the digital image signal into the computer system (501) (See Col. 6, lines 35-40). As discussed above

the applicant defines the digital camera is part of the digital processing system. For this reason, **the computer system (501) is considered as a digital camera** for acquiring and processing the digital image signal together.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 12-18 are rejected under 35 U.S.C. 112, second paragraph, as being vague and indefinite.

Claim 12, defines "**an image file** including a main-image and a size-reduced image", and it also states, " an eraser for erasing from said recording medium **the image file** recorded in said recording medium". This means that the size-reduced image also erased by the eraser from recording medium. It conflicts with the following limitations " a displayer for displaying the size-reduced image **remaining in said recording medium...**", because there has no any image file remaining in the recording medium after erased by the eraser.

Referring to dependent claims 13-18, these claims refer to the claim 12. Therefore, they are rejected same as claim 12 under 35 U.S.C. 112, second paragraph.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narayen et al. U.S. Patent 6,035,323 in view of Wakui et al. U.S. Publication 2001/0012060 and Takemoto U.S. Patent 6,335,742.

Referring to claim 1, the Narayen reference discloses in Figures 2 and 3, a digital camera (e.g., The applicant's specification discloses in page 1, lines 10-11, "a digital camera, the subject image taken by an image device, such as a CCD imager, is subjected to predetermined signal processing"; and as shown in Figure 1, the digital camera has image sensor 10 for acquiring the image signal and signal processing sections, such as signal process 16, CPU 32 and signal decompress 30, etc., for the image signal processing. This defines **the digital camera is part of the digital processing system**. It also should be noted that the applicant's claims do not state that the camera is a hand-held use by a user as a stand-alone digital camera and operative. The Narayen reference clearly discloses in Figure 3, the computer system 501 includes a digital image input section 521, see Col. 5, lines 56-58, for input image into the system and processor section 505, see Col. 6, lines 24-27 for digital image processing. The Narayen reference discloses **the term " digital camera"** is actually **the term "digital acquisition device"** only for acquiring the digital image signal into the computer system 501, see Col. 6, lines 35-40. As discussed above the applicant defines the digital camera is part of the digital processing system. For this reason, **the computer system 501 is considered as a digital camera** for acquiring and processing the digital image signal together) for recording to a recording medium (storage 515) an image file (data album object)

including a main-image signal (original higher resolution image) and a size-reduced image signal (thumbnail image) of a subject taken (See Col. 6, lines 52-63), comprising: a first transmitter for transmitting a plurality of the image files (album format data and actual images, see Col. 8, lines 22-24) recorded in said recording medium (515) to an external storage device (server computer system 111, see Figure 5, step 227 and Col. 7, lines 20-25); a first receiver for receiving a plurality of the size-reduced image signals (different resolutions JPEG images are generated form the original image for HTML viewing, see Col. 10, lines 60-65) from said external storage device (server computer); a selector for selecting a desired size-reduced image signal from among the plurality of size-reduced image signals received by said first receiver; and a second receiver for receiving from said external storage device the higher resolution image file selected by said selector (See Col. 11, lines 43-49). However, the reference does not explicitly states an eraser for erasing from said recording medium the plurality of image files transmitted by said first transmitter.

The Wakui reference discloses in Figures 5-7, a digital camera (2 as shown in Figure 5) for recording to a recording medium (Flash memory 15) an image file of a subject taken, comprising: a first transmitter (Transmission Encoder 21) for transmitting a plurality of the image files recorded in said recording medium (15) to an external storage device (remote controller 3); an eraser for erasing from said recording medium the plurality of image files transmitted by said first transmitter (See [0179]). The Wakui reference is evidence that one of ordinary skill in the art at the time to see more advantages the video camera system having an eraser for deleting the plurality of image files in the recording medium after transmitted to external device in order have more available space for recoding new images or in order to

record the image data transmitted from external device. For that reason, it would have been obvious to the camera device having an eraser for erasing from said recording medium the plurality of image files transmitted by said first transmitter disclosed by Narayen.

The Narayen reference also does not explicitly show a second receiver for receiving from said external storage device the image file including a main-image signal and a size-reduced image signal of a subject taken while the desired size-reduced image signal selected by said selector.

The Takemoto reference discloses in Figures 1 and 3, a digital camera system (1) is capable bi-directional signals to be exchange with the external device; and the image signal is including an a main-image signal (image data) and a size-reduced image signal (thumbnail data) of a subject taken as shown in Figure 3 (See Col. 5, lines 13-15 and Col. 6, lines 34-45). The Takemoto reference is evidence that one of ordinary skill in the art at the time to see more advantages the image signal including an a main-image signal (image data) and a size-reduced image signal (thumbnail data) together can be interchange between the digital camera system and external storage device so that user has more flexible option to either choice quick view a size-reduced image or main-image signal in digital camera without waiting additional request to external storage device. For that reason, it would have been obvious to the camera device having a second receiver for receiving from said external storage device the image file including a main-image signal and a size-reduced image signal of a subject taken while the desired size-reduced image signal selected by said selector disclosed by Narayen.

Referring to claim 2, the Narayen reference discloses wherein said first receiver includes a date imputer to input a desired date, a date information transmitter to transmit date information representative of the desired date to said external storage device (e.g., see Figures 12A-B, illustrate views of a graphical user interface for inputting various properties to particular picture in the picture database received from external server computer, such as date of the file was last modified, when the picture was taken, file size, path name and text comments for a date information transmitter to transmit date information, etc.; and this can be considered as the digital client camera system has a first receiver including a date inputter that is capable to input a desired date, see Col. 8, lines 45-50 and Col. 14, lines 18-38), and a size-reduced image signal receiver to receive from said external storage device the plurality of size reduced image signals (thumbnails 1209 in Figures 12A-B)generated on the desired date (See, Col. 60-65).

Referring to claim 3, the Narayen reference discloses wherein said selector includes a displayer to display a plurality of size-reduced images (thumbnails 1209) based on the plurality of size-reduced image signals received by said first receiver, and a size-reduced image selector to select a desired size-reduced image from among the plurality of size-reduced images displayed by said displayer as shown in Figure 12A-B and 13-14A-B (See Col. 11, lines 42-49 and Col. 14, lines 53-67).

Referring to claim 4, the Narayen, Wakui and Takemoto references disclose all subject matter as discussed with respected to same comment as with claim 1, and the Takemoto reference discloses a storage for storing in a nonvolatile memory (such as a floppy disk or a hard disk, see Col. 5, lines 32-35) area the size-reduced image signal (thumbnail) included in

the image file transmitted by said transmitter (communication unit 14) as shown in Figure 3 (See Col. 6, lines 2-5 and Col. 6, lines 34-45).

Referring to claims 5-6, the Narayen, Wakui and Takemoto references disclose all subject matter as discussed with respected to same comment as with claims 1-4.

Referring to claim 8, the Narayen, Wakui and Takemoto references disclose all subject matter as discussed with respected to same comment as with claim 4, and the Takemoto reference discloses wherein said nonvolatile memory area (floppy disk or hard disk) is formed in said recording medium (16) (See Col. 5, lines 32-43).

6. Claim 7 is rejected under 35 U.S.C, 103(a.) as being unpatentable over Narayen et al. U.S. Patent 6,035,323 in view of Wakui et al. U.S. Publication 2001/0012060, Takemoto U.S. Patent 6,335,742 and Tanaka JP. Publication 11-191870.

Referring to claim 7, the Narayen, Wakui and Takemoto references disclose all subject matter as discussed in respected claim 1, except the reference does not explicitly show the digital camera comprising adder to add print-job information (e.g., a information contenting an order such as the number of prints on the memory card to instruct the remote printer of service provider by performing the required processing) to said image file prior to transmitting the image file.

The Tanaka reference discloses in Drawings 5-6, a digital camera (I a) adding print-job information to print-job information (17) to said image file (7) prior to transmitting the image file (See Detailed Description [0059]-[0061]). The Tanaka reference is an evidence that one of ordinary skill in the art at the time to see more advantages for digital camera system can

place a order file on the removable memory medium and transmit to remote service provider so that service provider can automatically full fill the request from digital camera user such as knowing how many copies to print for each images data. For that reason, it would have been obvious to see the digital camera comprising adder to add print-job information (e.g., a information contenting an order such as the number of prints on the memory card to instruct the remote printer of service provider by performing the required processing) to said image file prior to transmitting the image file disclosed by Narayen.

7. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narayen et al. U.S. Patent 6,035,323 in view of Nazari U.S. Patent 6,405,201.

Referring to claims 9-10, the Narayen reference discloses all subject matter as discussed in respected claim 1, except the reference does not explicitly state detector for detecting a relationship in magnitude between a vacant capacity of said external storage device and a size of the image signal; a first transmitter for transmitting an extension request for the vacant capacity to said external storage device based on a result of detection by said detector; and a second transmitter for transmitting the image signal to said external storage device after the vacant space bas been extended in response to the extension request.

The Nazari reference discloses in Figures 2 and 5, a system determines (detecting) is sufficient space allocated for file (300) within storage device (130 in server side) to accommodate the additional data to file (300). If not (as a prompter for prompting the vacant capacity to extend when the vacant capacity is lower than the size), client (102) requests additional space from the server. If the request is granted, the server (112 for instructing an

extension of the vacant capacity) allocates additional space. Server (112) also tells client (102) how much additional space was allocated; and next, client (102) appends data into the additional space in the server (112) (See. Col. 5, lines 56-65 and Col. 6, lines 17-35). The Nazari reference is evidence that one of ordinary skill in the art at the time to see more advantages for keep tracking if the file append to external storage device has enough space so that avoiding to lost data information when the data transmitted across computer networks. For that reason, it would have been obvious to the system including detector for detecting a relationship in magnitude between a vacant capacity of said external storage device and a size of the image signal; a first transmitter for transmitting an extension request for the vacant capacity to said external storage device based on a result of detection by said detector; and a second transmitter for transmitting the image signal to said external storage device after the vacant space bas been extended in response to the extension request disclosed by Narayen.

Referring to claim 11, the Narayen and Nazari do not explicitly show the external storage device (the storage space on the remote Web or e-mail server, such as American Online, MSN, HTTP web site or an FTP serve) is **on sale** on a predetermined-size based on the instruction for purchasing the storage space when the client requesting to purchase additional space to store the image data on the external storage device. Official Notice is taken that both the concept and the advantages of providing of the remote server is on sale on a predetermined-size space for remote client are well known and expected in the art. It would have been obvious to the server have a instruction for the client to purchase a capacity of the predetermined size when the additional space need by the client in both Narayen and Nazari

reference as this instruction are know to provide the remote server has high efficiency without generating unnecessary overhead to manage the capacity of storage when the server sales or rents the storage space to the remote client for storing the data.

Conclusion

8. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Ye whose telephone number is (703) 305-3250. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B Christensen can be reached on (703) 308-9644. The fax phone

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lin Ye
December 13, 2004

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